

## **Notes from Risk Based Remediation Rule Workgroup meeting – January 12, 2006**

1. Negotiations with EPA - Bob Geller discussed the comments provided by EPA on the draft guidance document.

### *Site characterization*

- Both the state and EPA agree that adequate site characterization is critical to the MRBCA process. Based on the concerns raised by EPA additional language was added to the guidance document clarifying criteria for determining which samples can be included in the risk assessment process.

### *Models for cleanup levels*

- Because of concerns raised by EPA language was added to address the issue of what methods are appropriate for soil gas sampling.

### *Exclusion of categories of sites by Memorandum of Agreement with EPA*

- NPL sites are excluded
- The state has tabled the issue of including high priority RCRA sites. For now, these sites are not included in order to keep this issue from holding up the finalization of the guidance document.
- EPA staff agreed that there is room for a less conservative approach within the applicable laws and guidance.
- However, the use of RAGS is mandatory for NPL sites, therefore those sites are excluded. The same rationale applies to proposed NPL sites since most sites that are proposed eventually end up on the NPL.
- The EPA agrees that the MRBCA process is acceptable for state-lead sites such as B/VCP. This will be addressed in the MOA between EPA and MDNR.
- Because the 2002 Brownfields Law provides an “enforcement bar” for sites completed through state VCP programs requirements for evaluation of state cleanup programs have changed somewhat. These additional review requirements will be incorporated into the MOA. For RCRA sites, which sites are eligible and which sites are not eligible requires concurrence from EPA Headquarters because of national implications.
- Other states are at similar stages with their own cleanup programs and EPA staff are working with their attorneys to address the inclusion of RCRA sites. At this point, they can only commit to saying that high risk sites are not eligible and low risk sites are eligible but are not prepared to define those categories more explicitly without additional input from EPA HQ.
- The MOA is currently being reviewed by EPA. At this point, the tentative outline has low priority sites eligible for MRBCA and also higher priority sites that are not under permit or court order. In the MOA the state is asking for a commitment from EPA not to revisit sites addressed through MRBCA plus an acknowledgement of Missouri’s role as an authorized state.

- Other stakeholders expressed an interest in being kept informed on the negotiation process between EPA and MDNR.
- Another stakeholder expressed a concern that even though EPA had been involved at the very beginning of the process, why they waited until the last minute when the document was almost to complete to submit comments.

## 2. Changes to Guidance and Resulting Changes to Numbers

Atul discussed the changes to the guidance document and the resulting changes to the cleanup numbers. The major change between the August 2005 and January 2006 drafts was the adoption of the RAGS guidance. This changed the procedure for addressing dermal exposure to contaminants by including a dermal contact scenario. This change is considered to be more conservative. RAGS also changed the values used for the input of skin surface area. This change is less conservative than the previous version. Another change was to the soil adherence factor. This change is also less conservative than the previous version. Table 1 in the current draft compares CALM numbers to the August 2005 numbers to the January 2006 numbers. The changes were more significant for non-volatile chemicals. For changes in the inhalation rate of construction worker, Atul discussed the new figure of 1.62 m<sup>3</sup> and how that figure was calculated based on discussion at the August 2005 meeting. This is a less conservative standard than the previous standard of 1.8

## 3. Data Quality Management Subgroup Update

Julieann Warren discussed the generic QAPP that has been developed. It is currently being used successfully by staff in the B/VCP section. An issue to be considered is whether to use the generic QAPP for the entire MRBCA process.

## 4. Risk-Based Remediation Rule Update

John Madras discussed the history of how it was decided which portions of the guidance document would be included in the rule. It was agreed upon to imbed the methodology of the process in the rule, including equations and formulas. This will result in a rule approximately 60 to 80 pages in length. John distributed a draft schedule for the rulemaking process.

5. Public outreach – copies of the public outreach plan were distributed to the stakeholders. Comments on the plan are requested within 3 weeks.

## 6. Action Items

- 3 weeks for comments on the public outreach plan
- 4 weeks for comments on the current draft of the guidance document
- 3 weeks for the department's response to comments
- 2 weeks for stakeholders to evaluate the revised draft

**MRBCA Stakeholder Meeting**

January 12, 2006

## Attendance List

Name	Organization
Linda Vogt	Hazardous Waste Program, Department of Natural Resources
Sungmi Kim	RAM Group
Atul Salhotra	RAM Group
John Madras	Division of Environmental Quality
Tim Eiken	Hazardous Waste Program
Lynn Slugantz	U.S. Environmental Protection Agency, Region VII
Jeffery Robinchaud	U.S. Environmental Protection Agency, Region VII
Craig Smith	U.S. Environmental Protection Agency, Region VII
Stephanie Doolin	U.S. Environmental Protection Agency, Region VII
Rob Morrison	Hazardous Waste Program
Norella Huggins	Hazardous Waste Management Commission
Richard Rocha	Bayer Crop Science
Todd Blanc	Department of Health and Senior Services, Env. Epidemiology
Frank Hackmann	Sonnenshein Nath & Rosenthal/RCGA
Diane Maijer	Riverfront Env.
Tammy Brendel	BP
Richard Nussbaum	Hazardous Waste Program-Permits
John Hoke	Water Protection Program-Permits
Tim Chibnall	Hazardous Waste Program-Tanks
<i>Norb Plassmeyer</i>	<i>Osage Solutions, LLC</i>
Roger Walker	REGFORM
Bob Geller	Hazardous Waste Program
Tom Tunnicliff	BP
Bob Veenstra	URS/St. Louis RCGA
Elmer Dwyer	Boeing
Joe Haake	Boeing
Warren Mueller	Ameren
Brian Martin	Ameren
Julieann Warren	Hazardous Waste Program-Superfund
Gary Pendergrass	City Utilities
Stan Rasmussen	Dept. of the Army
Ken Koon	Hazardous Waste Program-Tanks
Jim Belcher	Hazardous Waste Program-Brownfields/Voluntary Cleanup Program
Keith Piontek	TRC